

So Ordered.

Dated: December 17th, 2019




Whitman L. Holt
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

HELEN REDDOUT,

Debtor.

Case No. 19-01573-WLH12

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

THIS MATTER having come before the above-entitled court for confirmation, which confirmation hearing was held by telephone conference on December 17, 2019; and the debtor appearing personally and by and through her attorney, William L. Hames of Hames, Anderson, Whitlow & O'Leary, P.S., and the court having reviewed the Chapter 12 Plan, the Trustee's Confirmation Summary, the declaration of Helen Reddout, and having heard the arguments of counsel, makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

I. Debtor filed the above-captioned voluntary Chapter 12 proceeding on June 11, 2019.

II. On September 10, 2019, Debtor filed a motion to extend time to file her Chapter 12 Plan for 60 days to November 8, 2019. (ECF 22)

* Order revised by court

FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 1

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III. An order was entered on October 18, 2019 extending the time in which Debtor had to file her Chapter 12 Plan to November 8, 2019.

IV. Debtor filed her Chapter 12 Plan on November 8, 2019 and served a notice of Chapter 12 Plan filing to all appropriate parties on the Master Mailing List on November 8, 2019.

V. Debtor also filed a Marketing Plan and a Motion to Seal the Marketing Plan, which order granting Debtor's motion to seal was entered on November 18, 2019.

VI. Debtor's liquidation analysis indicates that if Debtor's farm property were liquidated all creditors would be paid in full. Debtor's intent is to liquidate her orchard property, which projected sale proceeds appear to be enough to pay all creditors in full, including taxes incurred by the sale.

VII. All creditors were given proper notice of Debtor's Chapter 12 Plan.

VIII. No objections were filed to Debtor's Chapter 12 Plan.

IX. Debtor's plan does not include budget projections because the Plan is to liquidate Debtor's orchard. Debtor does not plan to farm her orchard.

X. The Plan is feasible, and Debtor will be able to make the payments as set forth in the Plan.

XI. All fees, charges or amounts required to be paid before confirmation pursuant to Title Eleven, Chapter 12 and Title 28 U.S.C. or by the Plan, have been paid.

From the foregoing Findings of Fact, the Court makes the following Conclusions of Law.

CONCLUSIONS OF LAW

XII. Debtor's Plan complies with the provisions of Chapter 12 of Title 11 U.S.C. and the other applicable provisions of Title 28 U.S.C.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW - 2

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1 XIII. The owner of each claim secured by the property to be sold has accepted
2 the Plan and shall receive payment of its claim from the sale proceeds of Debtor's
3 orchard and such liens shall attach to the sale proceeds with the same validity and
4 priority as they were prior to debtor filing the above captioned Chapter 12 Bankruptcy
5 case.

6 XIV. The holder of every other secured claim has accepted the plan and shall
7 receive payments on its secured claim as set forth in the plan and shall retain
8 his/her/its lien until such secured claim has been paid in full.

9 XV. The holders of unsecured claims are anticipated to be paid in full.

10 XVI. The Debtor is likely to be able to make all payments and comply with the
11 Plan.

12 XVII. The Chapter 12 Trustee will receive compensation pursuant to 28 U.S.C.
13 § 586 (e)(1)(B)(ii).

14 XVIII. The Plan has been proposed in good faith and not by any means
15 forbidden by law.

16 /// END OF ORDER ///

17 Presented by:

18 HAMES, ANDERSON, WHITLOW & O'LEARY, P.S.
19 Attorneys for Debtors

20 BY: /s/ William L. Hames
21 WILLIAM L. HAMES, WSBA #12193

22 Approved by:

23 CHAPTER 12 TRUSTEE

24 BY: /s/ Ford Elsaesser (with permission)
25 FORD ELSAESSER

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FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 3

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